

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MICHAEL TOSCANO & DONNA TOSCANO

Plaintiffs,

-against-

LINCOLN ELECTRIC COMPANY, et al.

Defendants.  
-----X

: Civil Action No:  
:  
: 07 Civ. 7855 (JFK) (BF)  
:  
:  
: **AFFIDAVIT OF**  
: **SERVICE--City of NY**

STATE OF NEW YORK       )  
                                  ) ss:  
COUNTY OF NEW YORK    )

Andrew V. Buchsbaum, being duly sworn, deposes and says:

I am over the age of 18 years, am not a party to this action, and reside in the State of New York.

That on September 19, 2007 at 11:29 a.m., at 100 Centre Street, 4<sup>th</sup> Floor, New York, New York 10007, I served the Summons and Complaint upon defendant, The City of New York, by delivering to and leaving one (1) true copy of the Summons and Complaint with a person designated as agent to accept service of papers, to wit: **Ms. Tamekia Mendez-Gammon, Docketing Clerk**. Deponent describes the person served as aforesaid to the best of deponent's ability at the time and circumstances of service as follows:

Sex: female; Color: Black; Hair: Black; Approx. Age. 40; Approx. Height: 5'7"; Approx. Weight: 140.

That at the time of service as aforesaid, I asked the person so served or person spoken to whether the defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid, I aver that the defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act. That at the time of such service I knew the person(s) so served as aforesaid to be the designated agent for the defendant The City of New York mentioned and described in the said document(s) as a defendant in this action.

  
\_\_\_\_\_  
Andrew V. Buchsbaum

Sworn to before me this  
19<sup>th</sup> day of September, 2007

  
\_\_\_\_\_  
Notary Public

KAREN KNIGHT  
Notary Public, State of New York  
No. 41-4519399  
Qualified in Nassau County  
Commission Expires March 30, 2010